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GENERAL ADMINISTRATION DEPARTMENT

NO. 20905/CA

RESOLUTION

The 28th December 2004

Sub: Clarification on charging of conversion fees in case of construction made over the leasehold plot in deviation of the approved plan.

Government in General Administration Department have issued a Resolution vide No. 8305/CA., dated the 18th July 2003 formulating a Scheme for conversion of residential leasehold plots of G.A. Department (premium paid) within Bhubaneswar Municipal Corporation area into freehold (Sthitiban) status. It was envisaged that following rates of conversion fees will be charged under the scheme:

- (i) 5% of the prevailing rate of premium in respect of the plots on which building have been constructed as per the approved plan.
- (ii) 10% of the prevailing rate of premium in case of vacant plots.
- (iii) 20% of the prevailing rate of premium where the lessee has used the land for institutional or commercial purpose.

The Conversion Scheme also allowed conversion in cases where construction was not as per the building plan. The conversion made under this Scheme will not take away the right of the competent authority under ODA Act/ Orissa Municipal Act or any other law or agreement. Besides, the payment of conversion fees will not extinguish any liability that may independently accrue on account of violation of provisions of ODA/OMC Act or any other Act.

However, some practical difficulties were encountered while according permission to convert leasehold plots into freehold tenure in respect of plots where buildings were constructed in deviation of the plan or where only a small portion of plot was built up in the form of outhouses, garages etc. keeping the rest of the plot as vacant. Besides, the rate of conversion fees in such cases was not clearly prescribed.

In order to clarify the position, Government, after careful consideration, has decided that conversion fees at 10% of prevailing rate of premium will be charged in respect of plots where buildings have been constructed without approved plan or in deviation the approved plan or where the buildings are in the form of outhouses, garages etc. over a small portion of the plot. The feature 1 of the Salient Features of the Scheme of the Resolution dated 18th July, 2003 is deemed to have been modified accordingly.

ORDER

Ordered that the resolution be published in the extraordinary issue of the Orissa Gazette, ordered also that copies of the resolution be forwarded to all. Departments of Government/ All Heads of Department/ A.G.(A&E), Orissa, Bhubaneswar.

By order of the Governor

T . K. PANDEY

Special Secretary to Government